

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-9262 GAF (SHx)	Date	December 13, 2012
Title	Justin Cheng v. BMW of North America LLC et al		

Present: The Honorable	GARY ALLEN FEESS	
Renee Fisher	None	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiff:	Attorneys Present for Defendants:	
None	None	

Proceedings: (In Chambers)

ORDER TO SHOW CAUSE

On October 29, 2012, Plaintiff Justin Cheng filed suit against Defendants BMW of North America, LLC; BMW (US) Holding Corp.; and BMW Aktiengesellschaft, alleging a product defect in Defendants' 7 Series vehicles. (Docket No. 1 [Compl.].) Plaintiff asks the Court to exercise diversity jurisdiction under the Class Action Fairness Act (CAFA), but has failed to properly allege the citizenship of the Defendants. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** why his Complaint should not be dismissed for lack of subject matter jurisdiction.

Diversity jurisdiction under CAFA requires only minimal diversity. 28 U.S.C. § 1332(d)(2)(A). That is, diversity is satisfied if “*any* member of a class of plaintiffs is a citizen of a State different from *any* defendant.” *Id.* (emphasis added). “[A] corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). This applies to foreign corporations. See *Danjaq, S.A. v. Pathe Communications Corp.*, 979 F.2d 772, 774 (9th Cir. Cal. 1992) (“[L]ogic dictates that there be no distinction drawn between those corporations incorporated in a state of the United States and those incorporated in a foreign country for purposes of § 1332(c).”). “[A]n LLC is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

Here, Plaintiff alleges the place of incorporation for both corporate Defendants, but fails to allege their principal places of business. (Compl. ¶¶ 17, 18.) As to BMW of North America, LCC, in his complaint, Plaintiff omits to allege the citizenship of every state of which BMW of

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North America's owners/members are citizens. (Compl. ¶ 16.)

Thus, Plaintiff has failed to fully allege the citizenship of the parties. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** no later than **Friday, December 21, 2012** why this case should not be dismissed for lack of subject matter jurisdiction. Submission of a First Amended Complaint properly alleging the citizenship of the parties will satisfy this Order.

IT IS SO ORDERED.